

**INDEX TO
EVIDENTIARY HEARING TRANSCRIPTS
ATTORNEY JULIUS SANKS
SEPTEMBER 24, 2007
DIRECT EXAMINATION: PAGES 67-144
CROSS EXAMINATION: PAGES 144-171**

KNEW HIS OWN LIMITATIONS REGARDING THE EIKENELLA ISSUE

- AGREES PRIOR TO TRIAL HE KNEW THE PROSECUTION
WOULD BE CALLING DR. MCDONOUGH, JONES'S
TREATING PHYSICIAN.....145, LINES 4-7
- AGREES PRIOR TO TRIAL HE KNEW DR. MCDONOUGH
WAS GOING TO TESTIFY ABOUT HIS FINDINGS
CONCERNING A WOUND ON JONES'S HAND
INCLUDING EIKENELLA BACTERIA.....145, LINES 8-13
- TOOK STEPS TO FAMILIARIZE HIMSELF WITH
EIKENELLA BACTERIA, INCLUDING LOOKING IT UP IN
THE MEDICAL DICTIONARY, THE MEDICAL ENCYCLOPEDIA
AND THE LAWYER'S ENCYCLOPEDIA.....125, LINES 6-10
- AS A RESULT OF HIS RESEARCH, HE DECIDED THE DEFENSE
NEEDED AN EXPERT TO CONSULT WITH ON THE
ISSUE OF EIKENELLA BACTERIA.....122, LINES 3-4
125, LINES 10-13
- AGREES HE UNDERSTOOD HIS OWN LIMITATIONS
ON THE SUBJECT OF EIKENELLA BACTERIA.....145, LINES 20-23

EFFECTIVELY ARGUED FOR THE EMPLOYMENT OF DR. SOLOMKIN

- CALLED THE UNIVERSITY OF CINCINNATI
TO FIND OUT WHO WAS KNOWLEDGABLE
IN THE AREA OF EIKENELLA BACTERIA.....121, LINE 25

122, LINES 1-3

125, LINES 12-13

- THE UNIVERSITY REFERRED HIM TO
DR. JOSEPH SOLOMKIN.....122, LINES 6-7
126, LINES 2-4
- KNEW DR. SOLOMKIN WAS TOUTED AS AN
EXPERT IN THE AREA OF INFECTIOUS DISEASES.....127, LINES 15-23
- INITIALLY CONTACTED DR. SOLOMKIN SEVERAL MONTHS
PRIOR TO TRIAL.....126, LINES 24-25
127, LINES 1-4
- AGREES, FOLLOWING THEIR INITIAL CONVERSATION,
HE FILED A MOTION WITH THE HAMILTON COUNTY
COURT OF COMMON PLEAS TO EMPLOY
DR. SOLOMKIN.....147, LINES 13-16
- AGREES HE ARGUED THE MOTION IN
OPEN COURT.....147, LINES 22-25
148, LINES 1-3
- AGREES THE COURT GRANTED HIS MOTION
FOR THE EMPLOYMENT OF DR. SOLOMKIN.....148, LINES 10-14
- AGREES GRANTING THE MOTION WAS WITHIN
THE JUDGE'S DISCRETION.....148, LINES 15-18

PREPARED DR. SOLOMKIN THE BEST HE COULD

- AGREES HE LEARNED DR. SOLOMKIN COULD NOT TESTIFY
AT THE TRIAL, AS SOLOMKIN WAS GOING TO BE OUT
OF TOWN.....150, LINES 5-8
- AGREES HE WOULD HAVE PREFERRED TO HAVE
DR. SOLOMKIN TESTIFY LIVE IN COURT.....150, LINES 2-4

- AGREES HE MOTIONED THE COURT FOR
DR. SOLOMKIN'S DEPOSITION AND THE
COURT ORDERED IT.....150, LINES 9-14
- AGREES HE GAVE DR. SOLOMKIN MEDICAL RECORDS AND
PHOTOGRAPHS OF JONES'S HAND INJURY TO REVIEW
PRIOR TO SOLOMKIN'S DEPOSITION.....151, LINES 17-23
156, LINES 3-12
- AGREES, HAD DR. MCDONOUGH'S TESTIMONY BEEN
AVAILABLE PRIOR TO DR. SOLOMKIN'S DEPOSITION,
HE WOULD HAVE GIVEN MCDONOUGH'S TESTIMONY
TO SOLOMKIN TO REVIEW.....151, LINES 13-16
- AGREES HE LOOKED TO DR. SOLOMKIN TO EDUCATE
HIM ON THE SUBJECT OF EIKENELLA BACTERIA.....156, LINES 23-25
- AGREES DR. SOLOMKIN AT NO TIME TOLD HIM HE WAS
DISAPPOINTED IN HIS UNFAMILIARITY WITH THE
EIKENELLA ISSUE.....156, LINES 13-17

**PRIOR TO TRIAL, KNEW THE PENDANT LOOKED LIKE THE ONE
PICTURED IN PHOTOGRAPHS OBTAINED BY THE PROSECUTION**

- AGREES PRIOR TO TRIAL HE VIEWED THE PENDANT
(STATE'S EXHIBIT 3) AND HANDLED IT.....158, LINES 13-15
- AGREES PRIOR TO TRIAL HE VIEWED
THE PHOTO OF THE VICTIM, RHODA NATHAN,
WEARING A PENDANT (STATE'S EXHIBIT 1).....159, LINES 3-11
- AGREES THE PENDANT (STATE'S EXHIBIT 3) LOOKS LIKE
THE PENDANT THE VICTIM, RHODA NATHAN, IS
WEARING IN THE PHOTO (STATE'S EXHIBIT 1).....159, LINES 12- 25

160, LINES 1-2

- AGREES PRIOR TO TRIAL HE VIEWED THE PHOTO OF A
PENDANT INSIDE JONES'S TOOLBOX (STATE'S EXHIBIT 36).....162, LINES 3-19
- AGREES PRIOR TO TRIAL HE KNEW THE PROSECUTION
REPRESENTED THE PENDANT WAS FOUND IN JONES'S
TOOLBOX BY THE BLUE ASH POLICE DEPARTMENT.....162, LINES 20-23
- AGREES THE PHOTO OF THE PENDANT IN JONES'S
TOOLBOX (STATE'S EXHIBIT 36) LOOKS LIKE
THE PENDANT THE VICTIM, RHODA NATHAN, IS
WEARING IN THE PHOTO (STATE'S EXHIBIT 1).....163, LINES 2-9

WANTED THE JURY TO THINK THE PENDANT BELONGED TO RHODA

- AGREES HIS CO-COUNSEL, ATTORNEY ADAMS,
SUGGESTED TO THE JURY DURING HER CLOSING
ARGUMENT THE BLUE ASH POLICE MAY HAVE
PLANTED THE PENDANT.....165, LINES 2-6
- AGREES HE BELIEVED THE PENDANT FOUND IN JONES'S
TOOLBOX BELONGED TO THE VICTIM, RHODA NATHAN.....165, LINES 14-16

**WOULD NOT HAVE CALLED THE VICTIM'S SON, VALENTINE NATHAN,
AT TRIAL IF HE SAID HIS MOTHER'S PENDANT WAS ONE OF A KIND**

- AGREES A DESCRIPTION OF A TANGIBLE OBJECT
IS DIFFERENT THAN AN IDENTIFICATION.....166, LINES 6-13
- AGREES HE KNEW ABOUT THE INCONSISTENT
DESCRIPTIONS IN THE SEARCH WARRANT.....166, LINES 14-17
- AGREES HE WOULD HAVE HAD HIS INVESTIGATOR
BRING A PICTURE OF THE PENDANT WITH HIM TO
NEW YORK.....167, LINES 8-10

- CAN ONLY SPECULATE WHETHER HE WOULD HAVE
CALLED THE VICTIM'S SON, VALENTINE NATHAN,
AT TRIAL.....167, LINES 11-17
168, LINES 14-25
169, LINES 1-6
- AGREES HE WOULD NOT HAVE CALLED VALENTINE
NATHAN AT TRIAL IF HE SAID PRIOR TO TRIAL HIS
MOTHER'S PENDANT WAS ONE OF A KIND.....171, LINES 6-9